IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3803 OF 2005.

The State of Maharashtra. ... Applicant.

Versus.

Gopinath Mahadu Gaikwad & others. ... Respondents.

Shri A.S.Shitole, A.P.P. for the Applicant.

Shri R.S.Deshpande for the Respondents Nos.1 to 4.

CORAM : ABHAY S.OKA, J.

DATED : 20th December, 2006.

P.C.:

1. Heard the learned A.P.P. for the State on the prayer for grant of leave. Acquittal of the Respondents Nos.1 to 4 is for offence under sections 323, 427 read with section 34 of the Indian Panel Code. The 1st Respondent is also acquitted for offence punishable under section 324 of the Indian Penal Code.

2. After having heard the submissions of the learned A.P.P., I find that no case is made out for grant of leave. The learned trial Judge has considered the entire evidence on record. The learned trial Judge noted that there was history of previous quarrel between the Complainant and the Respondents and both the parties were arrested by the Police. There appears to be a political rivalry between the parties. The learned Judge has referred to the oral evidence of the socalled eye witness who deposed that after hearing noise of the injured, he came to the spot of incident.

3. Considering the evidence on record, I find that the view taken by the learned trial Judge is a possible view. No case is made out for grant of leave. Application is rejected.

Judge.